

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 3577 (Application 12975)

Araujo Family Trust

ORDER ISSUING AMENDED LICENSE

SOURCE: Unnamed Stream tributary to Simmons Canyon thence Napa River

COUNTY: Napa

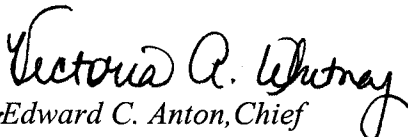
WHEREAS:

1. License 3577 was issued pursuant to permitted Application 12975 on June 13, 1952.
2. The Division of Water Rights (Division) record of ownership for License 3577 shows the current holder of the license as Araujo Family Trust.
3. The State Water Resources Control Board (SWRCB) has determined that the license shall be amended to include the following specific corrections or changes:
4. The Place of Use shall be deleted and amended to read:
 - 13 acres within the SW1/4 of NW1/4 of projected Section 32, T9N,R6W, MDB&M.
 - 21 acres within the SE1/4 of NW1/4 of projected Section 32, T9N,R6W, MDB&M.
 - 13 acres within the NW1/4 of SW1/4 of projected Section 32, T9N,R6W, MDB&M.
 - 5 acres within the SW1/4 of NE1/4 of projected Section 32, T9N,R6W, MDB&M.
 - 3 acres within the NE1/4 of SW1/4 of projected Section 32, T9N, R6W, MDB&M.
 - 55 acres total, as shown on map dated May 1997, on file with the SWRCB.
5. The SWRCB standard license terms pertaining to continuing authority, cultural resources, water quality objectives, protection of endangered species, and the need for State Department of Fish and Game stream alteration agreement shall be updated or added to the amended license.
6. The SWRCB has determined the amended license does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the State.

THEREFORE, IT IS ORDERED:

The attached Amended License 3577 is issued, superseding former License 3577 issued on June 13, 1952. The priority of Amended License 3577 is March 14, 1949.

STATE WATER RESOURCES CONTROL BOARD


for Edward C. Anton, Chief
Division of Water Rights

Dated: **JUL 15 2003**



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 12975
Page 1 of 3

PERMIT 7731

LICENSE 3577

THIS IS TO CERTIFY, That

Araujo Family Trust
2155 Pickett Rd.
Calistoga, CA 94515

has the right to the use of the waters of **Unnamed Stream** in **Napa County** tributary to **Simmons Canyon** thence **Napa River**

for the purpose of **Irrigation, Frost Protection and Stockwatering uses.**

Amended License 3577 supersedes the license originally issued on **June 13, 1952**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (SWRCB), or its predecessor, and the terms of **Permit 7731**. The priority of this right dates from **March 14, 1949**. Proof of maximum beneficial use of water under this license was made as of **September 27, 1951** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **16 acre-feet per annum to be collected from December 1 of each year to June 1 of the succeeding year.**

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 490 feet and West 1850 feet from E $\frac{1}{4}$ corner of projected Section 32, T9N, R6W, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said projected Section 32.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

13 acres within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M.
21 acres within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M.
13 acres within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M.
5 acres within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M.
3 acres within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M.
55 acres total, as shown on map dated May 1997, on file with the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Chief of the Division of Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Chief of the Division of Water Rights.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

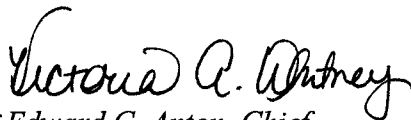
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD


for Edward C. Anton, Chief
Division of Water Rights

Dated: JUL 15 2003

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 3577 (Application 12975)

Araujo Family Trust

ORDER ISSUING AMENDED LICENSE

SOURCE: Unnamed Stream tributary to Simmons Canyon thence Napa River

COUNTY: Napa


WHEREAS:

1. License 3577 was issued pursuant to permitted Application 12975 on June 13, 1952.
2. The Division of Water Rights (Division) record of ownership for License 3577 shows the current holder of the license as Araujo Family Trust.
3. The State Water Resources Control Board (SWRCB) has determined that the license shall be amended to include the following specific corrections or changes:
4. The Place of Use shall be deleted and amended to read:
 - 13 acres within the SW1/4 of NW1/4 of projected Section 32, T9N,R6W, MDB&M.
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 - 13 acres within the NW1/4 of SW1/4 of projected Section 32, T9N,R6W, MDB&M.
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 - 3 acres within the NE1/4 of SW1/4 of projected Section 32, T9N, R6W, MDB&M.
 - 55 acres total, as shown on map dated May 1997, on file with the SWRCB.
5. The SWRCB standard license terms pertaining to continuing authority, cultural resources, water quality objectives, protection of endangered species, and the need for State Department of Fish and Game stream alteration agreement shall be updated or added to the amended license.
6. The SWRCB has determined the amended license does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the State.

THEREFORE, IT IS ORDERED:

The attached Amended License 3577 is issued, superseding former License 3577 issued on June 13, 1952. The priority of Amended License 3577 is March 14, 1949.

STATE WATER RESOURCES CONTROL BOARD


for Edward C. Anton, Chief
Division of Water Rights

Dated: **JUL 15 2003**



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 12975
Page 1 of 3

PERMIT 7731

LICENSE 3577

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Araujo Family Trust
2155 Pickett Rd.
Calistoga, CA 94515

has the right to the use of the waters of **Unnamed Stream** in **Napa County** tributary to **Simmons Canyon** thence **Napa River**

for the purpose of **Irrigation, Frost Protection and Stockwatering uses.**

Amended License 3577 supersedes the license originally issued on **June 13, 1952**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (SWRCB), or its predecessor, and the terms of **Permit 7731**. The priority of this right dates from **March 14, 1949**. Proof of maximum beneficial use of water under this license was made as of **September 27, 1951** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **16 acre-feet per annum to be collected from December 1 of each year to June 1 of the succeeding year.**

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 490 feet and West 1850 feet from E $\frac{1}{4}$ corner of projected Section 32, T9N, R6W, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said projected Section 32.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

13 acres within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M.
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5 acres within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M.
3 acres within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M.
55 acres total, as shown on map dated May 1997, on file with the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Chief of the Division of Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Chief of the Division of Water Rights.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

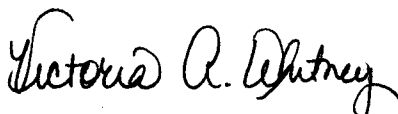
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD


for Edward C. Anton, Chief
Division of Water Rights

Dated: JUL 15 2003

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 12975 PERMIT 7731 LICENSE 3577

ORDER ALLOWING CHANGE IN PURPOSE OF USE,
PLACE OF USE, AND AMENDING THE LICENSE

WHEREAS:

1. License 3577 was issued to J. A. Duff and was filed with the County Recorder of Napa County on June 16, 1952.
2. License 3577 was subsequently assigned to Holopono Inc.
3. A petition for change in purpose of use and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The License condition pertaining to the continuing authority of the Board does not conform to the current common law public trust doctrine as contained in Title 23, CCR, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license be:

Stockwatering, Frost Protection and Irrigation.
2. The increase of acreage within the place of use shall be changed from 5 to 42 acres as follows:

13 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M
21 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M
3 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M
5 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 32, T9N, R6W, MDB&M

3. The existing continuing authority condition in License 3577 be amended to read:

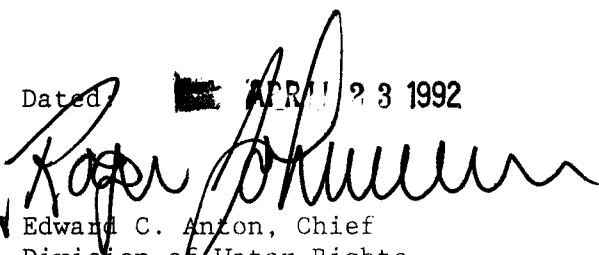
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated:  APR 23 1992


for Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 12975

PERMIT 7731

LICENSE 3577

THIS IS TO CERTIFY, That **J. A. Duff**
Cragmont Ranch
Calistoga, California

Notice of Assignment (Over)

ba s made proof as of **September 27, 1951**
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
an unnamed stream in Napa County

tributary to **Simmons Canyon thence Napa River**

for the purpose of irrigation and stockwatering uses
under Permit **7731** of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from **March 14, 1949**;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **sixteen (16) acre-feet per**
annum to be collected from about **December 1** of each year to about **June 1** of the
succeeding year.

The point of diversion of such water is located north four hundred ninety (490) feet
and west one thousand eight hundred fifty (1850) feet from the **E $\frac{1}{4}$** corner of
projected Section 32, T 9 N, R 6 W, MDB&M, being within the **SW $\frac{1}{4}$** of **NE $\frac{1}{4}$** of said
Section 32.

A description of the lands or the place where such water is put to beneficial use is as follows: Irrigation of
5 acres within the **SW $\frac{1}{4}$** of **NE $\frac{1}{4}$** of projected Section 32, T 9 N, R 6 W, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion
herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public
Works of the State of California, this 13th
day of June, 19 52

A. D. Edmonston
A. D. EDMONSTON, State Engineer

10-13-66 RECEIVED NOTICE OF ASSIGNMENT TO
8-18-75 ASGD TO MILTON D. + BARBARA M. EISELE.
5-4-89 asgd to William F. Farley
8-9-90 asgd to Holopano, Inc.
4/24/95 Not of asgd: App#12975 Lic#3577
James B. Araujo Living Trust

LICENSE 3577

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO J. A. Duff

JUN 13 1952

DATED

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